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OLD AND NEW PROBLEMS OF CIVIL SERVICE

BY HENRY MOSKOWITZ,

President, Municipal Civil Service Commission, New York City.

The history of governmental regulation generally starts with a policy of prohibition and develops into one of constructive instrumentality. The regulation of trusts, interstate commerce, and public utilities illustrates the same movement from negative prohibition to positive construction.

A commission is at first concerned with what cannot be done under given conditions. But it is constrained by the necessity of these conditions to work out what can be done. So that in very large measure the cause of regulation depends upon the capacity for constructive thinking and ingenuity of the regulators.

The history of civil service administration which is concerned with the regulation and control of public employment is no exception to this practice. The old problems of civil service administration were wrapped in the efforts of the civil service commissions to combat the spoils system. They were concerned with denial of exemption and with original entrance examinations. Naturally distrustful of patronage hunters, the pioneer civil service reformers regarded the merit system as a protection of the public against them. In the decalogue of their civil service bible, *thou shalt not* was continuously emphasized.

The early pioneers and conservative administrators kept the "front door" of the service barred to the spoilsmen. They had an almost oriental faith that the back door would take care of itself.

But administrators of the merit system faced conditions which necessitated a more constructive attitude toward the problems of public employment. They were forced to regard the civil service law and rules as instruments for efficient government, in so far as its personnel was concerned. Upon the practical administration of the merit system depended its growth and development. They had to meet the challenge of honest administrators of departments and successful men of affairs that the merit system substitutes incompetency for dishonesty.

This led to the consideration not only of the front door but also the back door problems of the merit system.

To depart from the language of metaphor—there are two aspects to civil service administration, first, the problems of selecting fit candidates to enter the service, second, the galvanizing of the service after they have entered it. The former relates to the technique of examinations and investigation of the qualification of candidates. Considerable progress has been made in this direction notably by the federal service, the Philadelphia Civil Service Commission and the Municipal Civil Service Commission of New York. Civil service examinations are not in established and sound commissions unrelated to the duties. The technique of examinations has developed to so great an extent that competition has proven practicable for very high administrative positions. The record of the present commission of the city of New York has demonstrated this to the most skeptical. It has secured the coöperation of high class experts in holding the examinations. It has supplemented written examinations by oral tests conducted by Boards consisting of men and women distinguished in the work for which candidates compete.

Such positions as director of the bureau of food inspection, salary \$5,000; director of public health education, salary \$5,000; director of the bureau of child hygiene, \$5,000; superintendent of the employment bureau, \$3,500; superintendent of the municipal lodging house, \$2,400; medical superintendent of Randalls Island, \$5,000; assistant director of the bureau of standards, \$3,500; medical superintendent of hospitals, \$3,500; overseer of the reformatory, \$3,000; superintendent of women prisoners, and other high class executive positions have been effectively filled through the civil service examination method.

Where a written and an oral examination were not deemed sufficiently adequate to judge the fitness of candidates, it has introduced practical tests. The commission gave for the first time in the history of the city service, practical tests for the positions of playground attendant, swimming instructor, psychologist, inspector of blastings, inspector of weights and measures.

Progressive commissions have resorted to the non-assembled test for certain positions, opening them up to the entire country. They have used the oral test with the aid of the best experts they

could get, coöperating with their examiners. They have become a specialized employment agency for their governments, some using the most effective advertising and publicity methods to attract men and women of calibre in competition. The New York commission has developed in addition a bureau of investigation which carefully considers the past employment record and any criminal record of the candidate, thus enabling it to disqualify the morally unfit.

By developing this selective process, civil service commissions have demonstrated the practicability of competition for positions, a long time regarded as exempt places, because competition was deemed impracticable. The zone of competitive classification and hence of the merit system was widened as a result of the ingenuity and constructive thinking by those commissions that devised practicable and effective examinations for these places. Civil service commissions have made considerable progress therefore in the selective process of choosing candidates for original entrance into the service.

What of the back door problems? What of the application of the merit system to employees after they have entered the service? Here is the unploughed field of civil service. These are the newer problems with which civil service administrators must grapple and reach constructive solutions. For, while private business has much to learn from civil service commissions in selecting employees fit to do particular jobs, progressive business men can teach governments how to keep their employees efficient. It must not be forgotten that private business can offer bigger material inducements, and that the only substitute for these inducements for many in the civil service is security of tenure and a pension system, both of which have not been properly guaranteed and safeguarded in the civil service of America—save in a few instances where the pension system is fiscally unsound from the standpoint of governmental expenditure. Among the problems of the back door the following are the most pressing:

1. Efficiency records and promotions;
2. Training for the public service;
3. Standardization of salaries;
4. Classification of employees—simplification of civil service procedure;
5. Pensions;

6. What should be the basis of lay-off discharge and reinstatement;
7. Removals;
8. Independence of commissions.

Efficiency Records and Promotions

Every sound civil service law contains a provision for promotion examinations wherever practicable. Without an opportunity for promotions there would be no incentive to remain in the service. The civil service should provide a goal for the ambitious to reach as a result of their service record, and their demonstrated mental capacity to fill the higher grades through promotion examinations. There should be automatic increases of salary within grades, based on seniority and efficiency alone—but where duties change, and responsibilities are heavier, promotions should be based upon a record of efficiency, seniority and an examination relating to the duties.

To establish such sound lines of promotions is one of the purposes of a civil service classification.

A scientific classification is one of the most difficult problems of civil service administration. One needs but to attempt it to realize all the difficulties of arriving at distinctions between services, groups, grades and titles.

The civil service commission of the city of New York has co-operated with the Bureau of Standards of the Board of Estimate and Apportionment in working out a scientific classification. The Bureau of Standards realized the need of it for purposes of financial control, and as a basis of appraising the value of positions. One of the crying evils in the civil service of New York City, and indeed in the majority of the services of the country, is the inequality of salaries attached to the various positions. Men in positions of great responsibility are often earning less than men who are doing purely routine work, the appropriations for these salaries being based upon considerations which were purely personal to say the least. Salaries for positions should be based upon the value of the work done. In applying the principle of standardization due consideration should be given to employees who have been rendering faithful service to the government for a great many years and who have been accustoming themselves to a standard of living based upon their earnings. A ruthless

application of the principle except where inequalities are gross is unwise. In my judgment it should be gradually assimilated and apply to the vacant positions as they arise. But however one may differ with the application of the principle of standardization, no one can deny its soundness and its justice.

The work of such standardization is in the main a civil service function. For it involves a study of the duties, of position, for the purpose of formulating specifications, within services, groups, grades and titles.

Unfortunately there has been too great a separation between the appropriating authorities and the civil service commissions. They should work together. The commission is often better able to appraise even the financial value of a position, since it is most familiar with its requirements, and has an accurate register of supply and demand in the number and calibre of applicants who take the examination at particular salaries. Not infrequently a commission is unable to supply a list of adequate eligibles because the salaries for the positions, especially of the professional groups, are inadequate.

A closer coöperation between civil service commissions and the appropriating authorities is essential to the proper enforcement of the civil service law and to the proper financial control of the personnel service.

Standardization and a sound classification are therefore essential to a sound promotion system. The classification should contain logical lines of promotion and should simplify civil service procedure. It should be published and made accessible to employees in the service and to those who contemplate entering it. The municipal civil service commission will publish the new classification and other material to be later referred to in a manual or textbook which will be available to the public.

The problems of classification, standardization, efficiency records and promotions are all organically interrelated; the solution of one depending upon the solution of the other.

A sound efficiency record system is one of the most baffling problems of civil service administration. It should be related as far as practicable to a primary record of work; wherever possible it should have a fact basis. But the duties in the service are so varied, many being purely routine and subordinate, many being partly

routine and partly managerial, and many being solely managerial, that a fact basis for all the duties is impossible. In many cases the records must be the result of the superior's judgment. It is clear, however, that efficiency records ought not to be uniform for all positions, that factors of efficiency can be worked out, based upon an analysis of the duties, and that weights be given to those factors depending upon their relative importance for the work to be performed.

In purely routine positions the factor of quantity of work is more important than quality. In managerial positions the factors of quality, initiative and executive ability are more important than quantity of work. Personality is an essential element in managerial places—but personality is difficult to rate—its estimate is a judgment. When quantity of work is a prime consideration, it is essential that the average output be fairly ascertained, and that employees be carefully rated, as average, or below and above the average.

It is essential that the various departments experiment with a system of efficiency records, that they be stimulated to interest themselves in securing greater efficiency among their employees, and that they develop work measurements which will become standards for recognizing merit or for penalizing inefficiency in order to eliminate the dead wood from the service. A sound efficiency record system should serve as a means of reward and penalty.

The Municipal Civil Service Commission of the City of New York is experimenting with efficiency record systems in city departments.

It is aiming to secure the coöperation of the employees and department heads, for without such coöperation no efficiency record system will work. It is trying to avoid the danger of superimposing a paper system by studying department needs and by securing suggestions from the men on the job.

At the suggestion and with the coöperation of the municipal civil service commission, the police and fire departments of the city have added a new system of weights for excellent police and fire duty. Heretofore commendations and medals of merit having a weight in promotion examinations were given solely for excellent police and fire duty involving personal risk or physical courage. The commission thought this system penalized an excellent police-

man or fireman who did not have the opportunity of performing daring feats of physical courage. Some credit should be given in promotion examinations to members of the uniformed force who have a cumulative record of devotion to duty and of efficiency, for some acts involving presence of mind and quick judgment may prevent the accident which elicited the bravery of a policeman. Such prevention also should be rewarded. Even an outline of the new efficiency records introduced in the police and fire departments would transcend the limits of this paper. It is important, however, to emphasize that the commissioners, their staff officers and their men are actively coöperating with the civil service commission to improve the records. When a force in a department from the head down are thinking hard about improving the efficiency of the service and helping to devise suitable records for registering and rewarding it, signal fruits in administration are bound to result.

The Municipal Civil Service Commission in coöperation with the Bureau of Municipal Research is experimenting with a new efficiency record system. It is installing this system in a number of city departments, in the hope that experience will correct its defects, and make possible a system of service records which can be more generally applied. An outline of this system has just been published. In the language of this outline,

There are three purposes for which service records may be used:

1. By executives in the current administration of their departments;
2. By executives in recommending regular periodic increases within grades for competent employees, and by the appropriating bodies in their action upon such recommendations;
3. By the Municipal Civil Service Commission in establishing the relative standing on promotion lists.

The following factors and sub-actors are to be used in the preparation of ratings.

1. Management—To include:

(a) Work Results—

- Planning and organizing work
- Directing subordinates
- Quantity of group output
- Quality of group output
- Cost of group output

- (b) Improvements—
 - In technique of work
 - In organization
 - (c) Reporting—
 - Promptness
 - Accuracy
 - Completeness
 - Special requirements
 - 2. Individual Performance¹—To include:
 - (a) Quantity—
 - Volume of work output
 - Industry
 - Speed
 - Productive overtime
 - (b) Quality—
 - Thoroughness
 - Accuracy
 - System
 - Orderliness
 - Improvements
 - Ingenuity
 - Resourcefulness
 - Imagination
 - 3. Personality—Representing effect of personality upon fellow-workers and the public—To include
 - (a) Influence on fellow employees for team work and loyal coöperation.
 - (b) Appearance, courtesy, tact, willingness
 - 4. Conduct—Representing the disciplinary and negative side of employment—To include
 - (a) Lateness and absence without leave
 - (b) Misconduct—
 - Inebriety
 - Insubordination
 - Misuse of city property
 - False accusation
 - Falsification of records or reports
 - Disobedience of rules of personal conduct
- Regulation II—Classification of employments and percentages to be given to factors in each class.
- 1. From the standpoint of service rating, employments in the city service may be divided into three classes, as follows:

¹ This factor is used in rating the work of employees both in those employments where definite standards as to quantity, quality and cost of work have been or can be established, and in those employments where it is impractical to establish such standards and an element of judgment on the part of the supervisor must enter into the rating.

- (1) Employments involving duties wholly or almost wholly supervisory and administrative.
- (2) Employments involving duties partly supervisory and administrative and partly performed independently or under supervision.
- (3) Employments involving duties wholly or almost wholly performed independently or under supervision.

The above factors shall be applied to three classes of employments as follows:

In class 1—namely, those employments involving duties wholly or almost wholly supervisory and administrative—the factors (1) management, (3) personality, and (4) conduct will be applied.

In class 2—namely, those employments involving duties partly supervisory and administrative and partly performed independently or under supervision—the factors (1) management, (2) individual performance, (3) personality, and (4) conduct will be applied.

In class 3—namely, those employments involving duties wholly or almost wholly performed independently or under supervision—the factors (2) individual performance, (3) personality and (4) conduct will be applied.

In connection with any efficiency record system two boards of control are necessary and are already provided for in the rules of Municipal Civil Service Commission, a departmental promotion, or personnel board, consisting of the higher officials in the department, which receives the reports of the officers immediately in touch with the subordinates they rate, and which *adopts a standard for the final rating* which it registers for the department in a given period.

The commission has urged upon the departments that the ratings be accessible to their employees to enable the latter to make their appeal before this board if they think they have been unjustly dealt with by their superior officer. For unless employees can seek redress for possible wrongs, the efficiency records will not be taken seriously and serve as an incentive.

The second board of control is the Board of Review, of the Civil Service Commission, which consists of the president, an examiner in charge of the records, and a representative of the department under review.

This board is the court of final appeal for any employee who thinks he has been unjustly rated. The board hears both sides

and decides. A number of such appeals from employees have been granted and one denied.

The commission will send a representative to attend departmental promotion board meetings, to act in an advisory capacity. The commission aims to develop employment specialists of the various departments, who will familiarize themselves with the problems of their personnel service and who will coöperate with these departments in the solution of their civil service problems. They will be ready to suggest the most efficient organization of the service to the commissioner in the spirit of coöperation. They will help the commissioner in working out the personnel service schedules of their annual budgets by suggesting proper civil service titles for new positions and by making any needed civil service adjustments which may be required. They will be especially useful to the commission in drawing up the requirements for original entrance and promotion examinations based upon their first hand knowledge of the department, thus aiding the commission in making examinations truly practical by relating them to the actual duties which incumbents must perform.

Training for the Public Service

Though the merit system aims to give government trained public servants, civil service commissions do not concern themselves directly with the business of training applicants for the duties they must perform. The commission assumes that a candidate who stands the test of its requirements is eligible for appointment to the place according to his standing on the list. The calibre of the successful candidates depends upon the standards of civil service tests.

Any other policy would subject the commission to the suspicion of favoring candidates who have taken the courses in the institutions which the commission approves.

The public schools, high schools, colleges, and universities can answer the needs of the civil service if they are alive to them. They have a rich opportunity to train for a public career and to establish courses based upon the practical requirements of the service. The commission can and does take cognizance of the kind of training a candidate has received in rating his experience. To this extent it encourages preparation for the service. The Municipal Com-

mission has taken even further steps, for it tries as far as practicable to coördinate its examinations with the work done in the service schools of the police department and the Fire College. It has freely given its advice to the responsible officials in charge of these service schools and has thus enabled them to give instruction related to the duties which must be performed in the higher grades for which promotion examination is taken. In addition the commissioners have advised, with representatives of the New York University, the College of the City of New York, and the public high schools, in their attempt to give instruction which will equip candidates for examinations to the higher professional service and even to the sub-professional and some of the other services.

The present administration of the government of the city of New York, recognizing the need of training for the public service, both for original entrance and for promotion, has coöperated with New York University and the College of the City of New York in a scheme of offering courses to city employees at a very nominal fee, which aim to equip them for the higher grades. They consist not only of theoretical training, but of practical courses, based upon the duties of the positions. The city has set apart certain rooms in the Municipal Building for instruction purposes. Courses are also given at these institutions. Fifty-one such courses have been offered. They cover a very large field from engineering, higher mathematics, English, philanthropy, chemistry, English composition, secretarial duties, advanced stenography, accounting, statistics, municipal government, and languages such as Italian, French, German, Yiddish, etc. In the language of Mayor Mitchel, "The courses were carefully prepared not only by the committee in charge, but by the Advisory Committee consisting of those technically qualified to suggest desirable lines of instruction in engineering and clerical subjects." The Mayor requested his department heads to call the attention of employees to these courses and to enlist their interest in them.

These institutions have established coöperation with some departments which will enable the students actually to do apprentice work under the supervision of a trained department specialist. Students of municipal sanitation and food inspection, for example, at the College of the City of New York, are given a chance to do field work under the guidance of an experienced official in the Bureau

of Food Inspection of the Department of Health. Students in municipal chemistry coöperate with the standard testing laboratory of the city.

The fees for the courses are kept low so as to enable every employee to take advantage of them if he wishes, without any great strain upon his financial resources.

This experiment of the Mitchel administration is, in my judgment, one of the most significant undertakings by the present government of the city. It is intended to offer the employees of the city every opportunity to improve themselves mentally so as to enable them to fill the higher positions as a result of a promotion examination.

The commission should as far as practicable remove the element of mystery in the civil service by publishing pamphlets and manuals which will give the public full and complete information concerning the requirements of examinations, both physical and mental, civil service procedure, lines of promotion, and any other information of use to the public. For this purpose the Municipal Civil Service Commission is now at work in the publication of a very elaborate manual which will be accessible to the public upon demand, and to institutions interested in training for the service.

The movement on the part of the urban universities throughout the country to coöperate with government is very encouraging. They offer to those interested in making public service a career all the resources of their plants, their trained instructors, and their technique of education. It is a sound application of vocational education. Until governments take the civil service seriously so as to enable employees to make a career in the public service, we shall never be able to have a trained body of public servants—a necessary condition of efficiency.

Layoff, Reinstatement, Removal

The vexing problem of layoffs, reinstatements, or removals will never be solved until a sound efficiency record system has been evolved which can be made a basis for this action. At the present time, the Civil Service Commission has not the data to assume the serious responsibility for governing the department head in this important matter. Theoretically, a department head ought to retain or dismiss employees upon their efficiency or seniority—I

have no sympathy with seniority as the sole basis of retention. This would result in the keeping of a routinier whose sole virtue was his length of service, performed in an average fashion. It would denude departments of young blood with enthusiasm, initiative and unusual ability. When a proper efficiency record system has been devised, the civil service commission should evolve a system of controlling layoffs and removals which will serve as a check upon the arbitrary action of commissioners.

An administrative court, under the jurisdiction of a civil service commission, coöperating with representatives of departments, and controlling a sound efficiency record system is the ideal method of handling the problem of removing employees. It is the constructive solution for the dilemma of court review, with its legal technicalities or the arbitrary power of an executive.

Pensions

A fiscally sound pension system is a desideration of every merit system. A pension for long and faithful service will help retain the best blood in the service, and partly check the allurements of the material inducements of private employment. It is an insurance to which every employee should look forward against the infirmities of superannuation. It is recognized as an essential insurance feature of the civilized governments of Europe, and its absence from the federal service as well as from the many state and city services of this country reflects no credit either upon our humanity or upon our foresight. In very few of the services where pensions are provided are they fiscally sound. In New York City the pensions systems of the police department, as well as the teachers' pensions are so financially unsound, that some pressing action by the legislature and the city government, placing them upon a proper foundation, is imperative. The Mayor's Commission on Pensions has been making a careful study of the entire situation and one of the most scientific reports ever issued in America is promised—action based upon this report's findings will, it is hoped, give to the city of New York a comprehensive and fiscally sound pension system for its employees.

According to Henry Bruère, the city chamberlain, who has actively supervised this important pension study,

On December 31, 1914, 8,200 pensioners were provided for out of eight separate pension funds, involving an expenditure exceeding \$5,000,000. Each of these funds was established on a basis of prodigality without reckoning future costs. It is proposed to establish a sound pension system for the entire city service, with rates actuarially determined and with reserves set aside to meet future liabilities after the manner of sound insurance financing.

When this is accomplished, one of the most important links in the merit system of New York City will be forged.

Independence of Commissions

The independent status of civil service commissions must be firmly established before the public will be guaranteed an absolutely impartial enforcement of the civil service law. A commission created by an executive and subject to his removal even without a hearing is not, except in rare instances, entirely uninfluenced by his wishes. If the executive is in sympathy with the merit system he will appoint commissioners who will fearlessly enforce the law. If he is a spoilsman he will man the commission with men in sympathy with his political methods, who will in consequence interpret merit out of civil service rules, and undo the work of conscientious predecessors in a very short time.

The function of a commission is partly judicial, partly legislative and partly administrative. A weak commission will do the bidding of its creator in the important work of classification, and by exempting places in the service, throw them open to the executive's henchman to feed the grist mill of his political machine.

To insure conscientious allegiance to the principles and intent of a civil service law, the tenure of office of commissioners should be such as to make them, or the majority of them, independent of election results. They should be as untrammelled as judges, for their work requires the same quality of mind, in addition to a sound, practical judgment and a deep knowledge of civil service law, rules and procedure.

Whether commissioners themselves should be classified is debatable. I am inclined to believe that appointment for overlapping terms by which the majority of the commissioners remain and one commissioner is added during the term of an executive, barring unforeseeable vacancies caused by death, resignation or charges, is a solution in the right direction.

But until commissioners, like judges, are made independent of political influences in their selection and their tenure, the public will never be entirely free from the suspicion that political considerations enter into their determinations. To liberate the merit system from every vestige of political influence, and to insure commissioners freedom from political pressure, give them long terms and make their tenure secure, consistent with efficiency.

One of the practical advantages of this desirable reform is to retain in office men who are experienced in the complicated problems of civil service administration. Under the system by which the majority of commissioners are at present appointed, the public loses the benefit of their knowledge when they have become particularly useful and expert. For then their term of office expires, and unless the executive is politically friendly or in sympathy with the merit system, he is not reappointed on his record. The merit system does not in practice apply to those who are vested with the responsibility of enforcing it.

Fortunately public opinion in favor of the merit system is strengthening and growing, so that executives in sympathy with the spoils system dare not tamper too obviously with the civil service law. But we need a more aggressive and enlightened public opinion in favor of the merit system to secure such fundamental provisions in the various civil service laws of the country as will insure the appointment and retention of commissioners who are sound, expert, impartial, and fearless administrators.

When merit is intelligently applied to the service after employees have entered it, when efficiency records, promotions, classifications, sound pensions, a fair system of layoffs, reinstatement, and removals are established in full, when the back door is as securely locked to the spoilsman as the front door, and efficiency in government is maintained and developed—then will the newer problems of the merit system be finally solved. Upon their solution depends the reconciliation of democracy and efficiency.